761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: May 16, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2289921
Incident:	Use of Force
Incident Date:	June 4, 2011
Unit:	Pico Rivera Station / FOR III
Suspect:	Michael Pichinte M/38
Involved Employees:	Deputy [redacted] #[redacted] MTO Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy Joseph Sanchez #[redacted]
EFRC Date:	April 26, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans and Commander Stephen Johnson met and reviewed the above case.

FINDINGS:

The Committee determined the force used by the deputies was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used were within the Department's training standards.

RECOMMENDATIONS:

The Committee recommended the unit commander, Captain James Thornton, continue to debrief station personnel regarding the unique tactical and Fourth Amendment issues related to this case.

The Committee also recommended Deputy [redacted] attend the Arrest and Control for Field Operations class facilitated by the Field Operations Training Unit.

MJR:rsp

TABLE OF CONTENTS

IAB FO2289921

G Deputy daily worksheet for Unit 155B/PMS dated June 3, 2011

H Suspect Pichinte's Coast Plaza Doctor's Hospital medical records

I Suspect Pichinte's Los Angeles County Jail medical records

J Digital Photos of scene, Suspect Pichinte and involved deputies

K One (1) CD containing digital photos of incident scene, suspect and involved personnel

L Pico Rivera special teams in-service dated June 3, 2011

MISCELLANEOUS DOCUMENTS

Admonition forms
CCHRS report for Suspect Pichinte
Suspect Pichinte's jail records
PM in-service dated June 3, 2011
EM in-service dated June 4, 2011
DDWS 152D/P dated June 3, 2011
DDWS 815E/P dated June 3, 2011
DDWS 152F/E dated June 4, 2011

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-04324-1578-145	Date: 6/4/11	Time: 0030 hours
Location: 8221 S. Pioneer Boulevard	City or Station: Whittier	
Bureau/Station/Facility: Pico Rivera Station	Admin. Investigation: YES ☐ NO ☒	
Type of Force: Significant / Skeletal Fracture to Suspect / Deputies Injured / Take Down / Control Techniques / Impact Weapons - Flashlight & Shod Foot / Hobble		
Deputy Injury : YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐	
☐ Call ☒ Observation ☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: YES ☒ NO ☐ Person Notified: Lt. Ault	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): 152F
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 507 / Weight: 198
☒ Injured ☐ Treated ☐ Admitted	Hospital: N/A	Coroner Case #: --	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☐ Male ☒ Female	Race: W	Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): 152F
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 509 / Weight: 160
☒ Injured ☐ Treated ☐ Admitted	Hospital: N/A	Coroner Case #: --	Directed Force ☐ Significant Force ☒

E3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): 152D
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 507 / Weight: 195
☐ Injured ☐ Treated ☐ Admitted	Hospital: N/A	Coroner Case #: --	Directed Force ☐ Significant Force ☒

☒ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Dodson	Steven	W.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Gallego	Debbi	A.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Martin	Daniel	W.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Smith	Robert	A.

Lt. Robert Smith
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sgt. Chad Smeltzer
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Capt. James Thorton Jr.
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
9 1 1 - 0 4 3 2 4 - 1 5 7 8 - 1 4 5

Involved Employee

E 4

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: [X] Male [ ] Female	Race: W.	Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): 152D
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 600 / Weight: 190
[X] Injured [ ] Treated [ ] Admitted	Hospital: N/A	Coroner Case #: ---	Directed Force [ ] / Significant Force [ ]

E 5

Employee #: [redacted]	Last Name: Sanchez	First Name: Joseph	Middle Name: C.
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Pico Rivera Station	Work Assignment (Unit #, Module, etc.): 815E
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 602 / Weight: 220
[ ] Injured [ ] Treated [ ] Admitted	Hospital: N/A	Coroner Case #: --	Directed Force [ ] / Significant Force [X]

E_

Employee #:	Last Name:	First Name:	Middle Name:
Sex: [ ] Male [ ] Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: [ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] / Significant Force [ ]

E_

Employee #:	Last Name:	First Name:	Middle Name:
Sex: [ ] Male [ ] Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: [ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] / Significant Force [ ]

E_

Employee #:	Last Name:	First Name:	Middle Name:
Sex: [ ] Male [ ] Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: [ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] / Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 1 - 0 4 3 2 4 - 1 5 7 8 - 1 4 5

Suspect Information

S 1

Last Name: Pichinte | First Name: Michael | Middle Name: Klaus

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 38 | Height: 507 | D.O.B. 11-29-72 | Weight: 184 | Armed? ☐

Booking #: 2763997 | Primary Charge Code: 69 PC | Secondary Charge Code: -- | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Coast Plaza Doctors Hospital | Coroner Case #: ______ | Mental History [redacted]

By Doctor: Timothy Carman | Address: 13100 Studebaker Rd., Norwalk Ca. 90650 | Phone #: 562-868-3751

Under Influence: ☒ YES ☐ NO Substance: Alcohol | Mental Illness ☐

Suspect Interview

Date: 06/04/11 | Time: 0615 hours | ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 4 3 2 4 - 1 5 7 8 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lopez	Eduardo	--
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Escalante	Ligia	C.

Non-Employee Witnesses

Last Name / Street Address	First Name / City	Middle Name / Zip Code	Age / Work Ph.	D.O.B. / Home Ph.
Last Name: [redacted]	First Name: [redacted]	Middle Name: --	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Pichinte	S#1	[redacted]	E#1	UC	NN	
[redacted]	E#1	Pichinte	S#1	CT	NN	
[redacted]	E#2	Pichinte	S#1	CT	NN	
Pichinte	S#1	[redacted]	E#1	RS	NN	
Pichinte	S#1	[redacted]	E#1	RS	CP	
Pichinte	S#1	[redacted]	E#1	TD	CP	HE
Pichinte	S#1	[redacted]	E#1	CT	AB/BR	HD/EL/KN
Pichinte	S#1	[redacted]	E#1	PH	NN	
[redacted]	E#2	Pichinte	S#1	FL	CP	LE
Pichinte	S#1	[redacted]	E#2	PK	NN	
Pichinte	S#1	[redacted]	E#3	UC/RS	NN	
[redacted]	E#3	Pichinte	S#1	CT	NN	
[redacted]	E#3	Pichinte	S#1	PH	CP	FA
Pichinte	S#1	[redacted]	E#4	RS/UC	AB/BR	EL/WR
[redacted]	E#4	Pichinte	S#1	CT	NN	
Pichinte	S#1	Sanchez	E#5	RS/UC	NN	
Pichinte	S#1	Sanchez	E#5	PK	CP	LE
Sanchez	E#5	Pichinte	S#1	PK	CP	AK
Sanchez	E#5	Pichinte	S#1	CT	FR	AK
[redacted]	E#2	Pichinte	S#1	RH	NN	
[redacted]	E#3	Pichinte	S#1	RH	NN	
[redacted]	E#5	Pichinte	S#1	RH	NN	
Sanchez	E#5	Pichinte	S#1	HB	NN	

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

SIGNIFICANT USE OF FORCE

- DEPUTIES INJURED
- SKELETAL FRACTURE TO SUSPECT
- TAKEDOWN
- CONTROL TECHNIQUES
- PERSONAL WEAPONS
- IMPACT WEAPON / FLASHLIGHT
- SHOD FOOT
- RESISTED HANDCUFFING
- HOBBLE

UNIT: Pico Rivera Station

DATE / TIME OF INCIDENT: June 4, 2011 (Saturday) / 0030 hours

LOCATION: 8221 South Pioneer Boulevard, Whittier

URN: 911-04324-1578-145

IAB # FO2289921

SYNOPSIS

On June 4, 2011, Deputies [redacted] and [redacted] were patrolling the parking lot of the Motel 6 when they observed Suspect Pichinte talking with a female in the rear parking lot. When the deputies contacted the couple, Suspect Pichinte approached them in belligerent manner, asking them why they were contacting them.

The deputies observed Suspect Pichinte was intoxicated and due to his aggressive demeanor, and requested backup. When they attempted to detain him by placing his hand behind his back for searching, Suspect Pichinte immediately pulled his hand away and turned toward Deputy [redacted] grabbing Deputy [redacted] in a bear-hug type hold. Suspect Pichinte pulled Deputy [redacted] to the ground, landing atop Deputy [redacted] who had fallen onto his back. Deputy [redacted] grabbed hold of Suspect Pichinte's upper torso to pull him off Deputy [redacted] When the previously

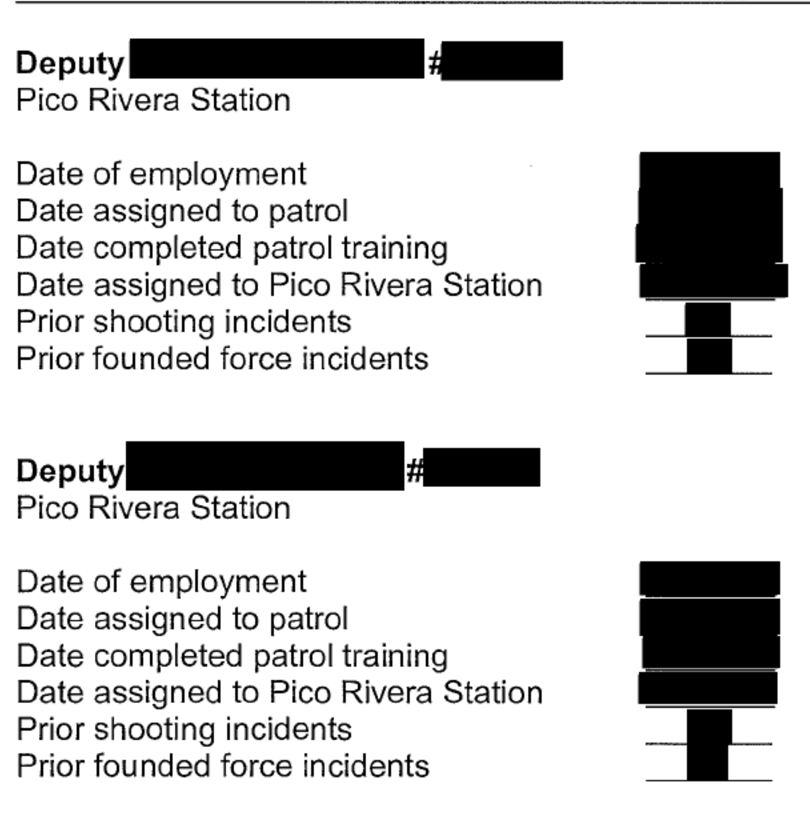
requested backup deputies arrived they observed the fight and requested assistance via the radio.

During the fight, Suspect Pichinte was punched in the face approximately six times, struck with a flashlight in the lower back and legs approximately eight to ten times, kicked three to four times on his left ankle and the deputies used their body weight to control his legs and ankles to keep him from kicking them. Collectively, the deputies were able to control Suspect Pichinte and he was handcuffed and the Hobble Restraint device was applied.

Suspect Pichinte was seen by paramedics at the scene and then transported via radio car to Coast Plaza Doctor's Hospital for an okay to book. After walking into the hospital, he complained that his ankle hurt. He was diagnosed with a left ankle fracture and was cleared for normal booking at Pico Rivera Station.

Suspect Pichinte stated he was under a doctor's care for anger management and depression and is currently taking Prozac.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

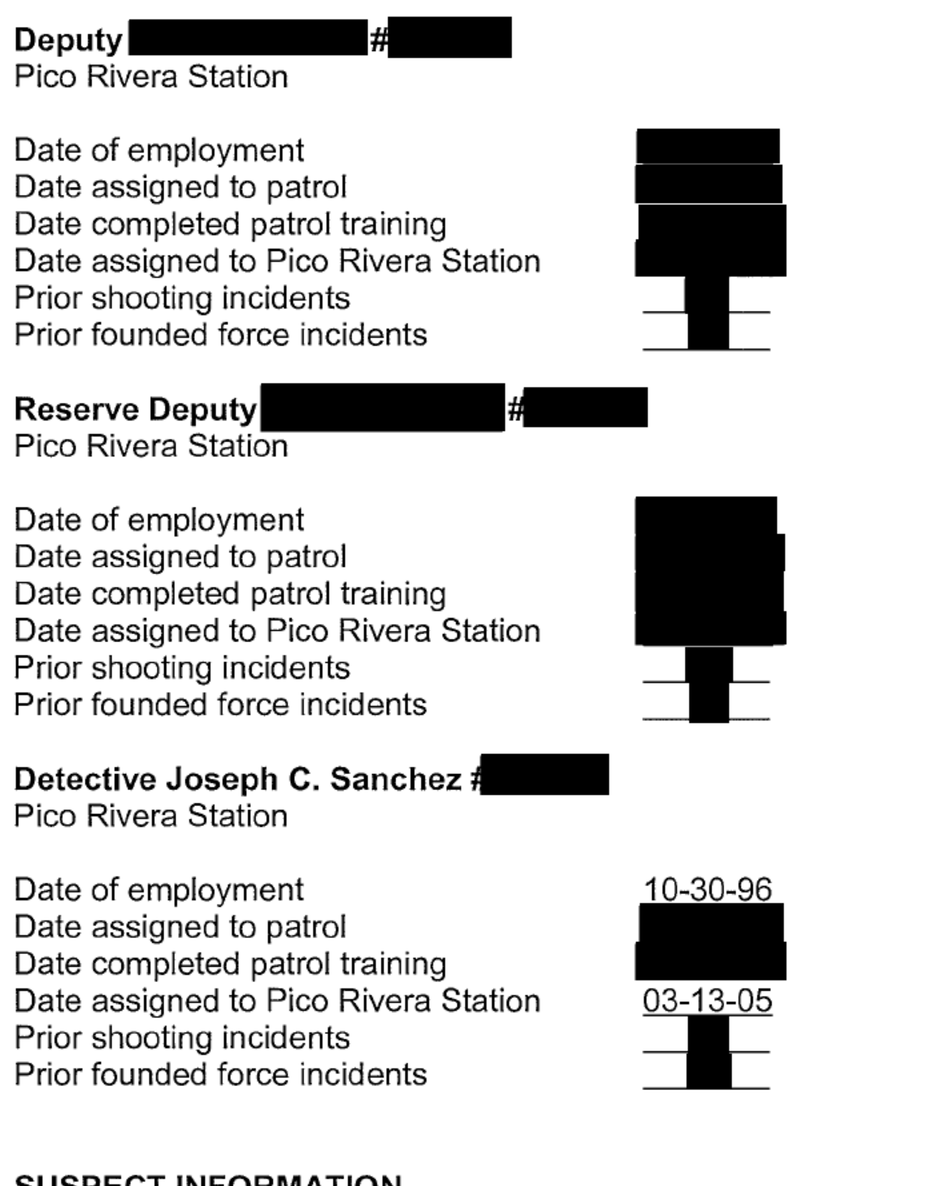


Deputy [redacted] #[redacted]
Pico Rivera Station

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Pico Rivera Station	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Deputy [redacted] #[redacted]
Pico Rivera Station

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Pico Rivera Station	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]



Deputy [redacted] # [redacted]
Pico Rivera Station

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Pico Rivera Station	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Reserve Deputy [redacted] # [redacted]
Pico Rivera Station

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Pico Rivera Station	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Detective Joseph C. Sanchez # [redacted]
Pico Rivera Station

Date of employment	10-30-96
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Pico Rivera Station	03-13-05
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

SUSPECT INFORMATION

Michael Klaus Pichinte
Male, Hispanic, DOB: 11-29-72, Booking #2763997, 5'7", 184 lbs
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

WITNESSES

Detective Eduardo Lopez
Deputy [redacted]
Deputy Ligia C. Escalante
Civilian [redacted]

INJURIES

Suspect Michael Pichinte sustained a fractured left ankle. He had abrasions and bruising to his face, knees and elbows. He had a contusion to the back of his head and bruising to his right rib area.

> **IAB Note:** **For additional information regarding Suspect Pichinte's injures, refer to his medical records from Coast Plaza Doctor's Hospital [Exhibit H] and from the Los Angeles County Jail [Exhibit I].**

Deputy [redacted] sustained abrasions to his left elbow, both knees and pain to the back of his head. He had bruising to his left hand. Both his left and right buttocks were bruised and his back was sore.

Reserve Deputy [redacted] sustained a bruise to his left wrist and left elbow.

Deputy [redacted] complained of pain to her left wrist, both knees and her lower back.

PHYSICAL EVIDENCE

Digital photographs were taken, depicting the scene and injuries to Suspect Pichinte **[EXHIBITS J & K]**.

INVESTIGATORS OBSERVATIONS

IAB investigators did not respond to the incident location, since the scene was not preserved. Suspect Pichinte's fracture was not discovered until his X-ray results were examined several hours after the incident's occurrence. There were no investigator's observations.

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons, flashlight, shod foot and hobble.

WEAPON USED BY SUSPECT PICHINTE

Personal weapons.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATORS AND CHARGES FILED

Investigator: Detective Jeffery B. Grant, Pico Rivera Station

Charges Filed: No charges were filed against Suspect Pichinte, due to insufficient evidence.

Case Status: The criminal case against Suspect Pichinte was not pursued by the Los Angeles District Attorney's Office.

LIGHTING AND WEATHER CONDITIONS

The force incident took place during the hours of darkness at approximately 0030 hours. The weather was cool, dry and clear.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions. IAB investigators reviewed the reports authored by the involved deputies and determined they were consistent with their IAB Administrative Force Review interviews.

DEPUTY [redacted] #[redacted]

Witness [redacted] authored an Incident Report ***[EXHIBIT A]*** *regarding his actions and observations.*

On June 8, 2011, Deputy [redacted] was interviewed by IAB Sergeants Dondra Cullins and Trent Denison at the Internal Affairs Bureau building. Witness [redacted] voluntarily participated in the interview without representation.

IAB Note: At the beginning of Witness [redacted] interview, he said there was a mistake on the Incident Report he wrote [Exhibit A].

Witness [redacted] said he wrote that Deputies Ashford and Azteca located Witness [redacted] so that Sergeant Dodson could interview her. Witness [redacted] said that only Deputy Ashford was involved in locating Witness [redacted] Refer to incident report [Exhibit A] page four, paragraph three and page two of Witness [redacted] IAB interview transcript.

Witness [redacted] said on June 4, 2011, he was working uniformed patrol with his partner Witness [redacted] Witness [redacted] drove his patrol car into the Motel Six parking lot, which he checked often. He explained he had made numerous arrests at the location ranging from narcotics violations, firearms violations, stolen vehicles, to a rape investigation at the location.

He entered the parking lot from Waddell Street. As he drove in the northwest corner of the property near the swimming pool, he saw Suspect Pichinte and Witness [redacted] who appeared to be talking. The two were standing underneath a stairway.

Witness [redacted] stopped his vehicle without activating his overhead lights or siren and engaged the two in a consensual encounter from his seated position in the patrol car. He estimated he was twenty to twenty-five feet from them. He asked if they had a room at the motel. Suspect Pichinte and Witness [redacted] initially did not answer, looked at each other and appeared nervous. Suspect Pichinte eventually answered, "No, but I am staying here". It appeared the two spoke to each other, but he could not hear what was said. Witness [redacted] appeared to be holding a purse or a bag.

Witness [redacted] turned toward Witness [redacted] and told her that they should contact the two. As Witness [redacted] looked back toward Suspect Pichinte and Witness [redacted] he could see Suspect Pichinte walking toward him. Witness [redacted] said the two had previously been on the opposite side of a railing and Suspect Pichinte was now on his side of the railing walking toward him.

As the suspect walked toward Witness [redacted] the suspect's hands were in his pants pockets. He told Suspect Pichinte to keep his hands out of his pockets. Suspect Pichinte pulled his hands out of his pockets and threw them into the air. Witness [redacted] heard the suspect ask something to the effect of "What's going on?". He attempted to calm Suspect Pichinte and told him to relax.

Suspect Pichinte again placed his left hand into pocket and appeared agitated that he was being contacted by the deputies. The suspect did not have his right hand fully into his pocket. Witness [redacted] grabbed the suspect's right hand. As Witness [redacted] grabbed the suspect's right hand, Suspect Pichinte attempted to spin away from him. The suspect swung with a fist as he pulled away from Witness [redacted] He said the suspect did not swing at him, but did swing his fist. He heard Suspect

Pichinte saying something about testosterone.

When Suspect Pichinte spun, Witness [redacted] was positioned to the suspect's right side and Witness [redacted] was positioned on the suspect's left side. He believed Witness [redacted] was able to control the suspect's left arm or hand. Witness [redacted] and Witness [redacted] forced Suspect Pichinte toward the south pool fence, which was approximately five feet away. Witness [redacted] did not move at this time and remained where Witness [redacted] saw her upon contacting the two.

Once the suspect's chest was pinned against the pool fence, Witness [redacted] was able to hold Suspect Pichinte's wrists. Witness [redacted] was located to the suspect's left side and was bear-hugging the suspect's upper torso to keep him off balance. Suspect Pichinte's left shoulder was against Witness [redacted] chest and the suspect's right shoulder was against Witness [redacted] chest.

Witness [redacted] held the suspect's left wrist near the suspect's left buttocks and Suspect Pichinte was attempting to pull his right arm forward and free from his grasp. His portable radio microphone fell between his legs. He said the situation came to a stalemate for approximately one minute as he and Witness [redacted] held Suspect Pichinte against the fence. Suspect Pichinte kept his body rigid and would not comply as Witness [redacted] told him to relax.

Witness [redacted] let go of Suspect Pichinte's left wrist to use his portable radio microphone and request back-up. As Witness [redacted] requested back-up, Suspect Pichinte exploded off of the fence, swinging with his fists.

Witness [redacted] lost his balance and tripped over a nearby curb. As he regained his balance, Suspect Pichinte charged at him swinging both arms with his head down and he grabbed Witness [redacted] in a bear-hug with both arms. Witness [redacted] grabbed at Suspect Pichinte's head as he charged toward him and was able to grab the suspect either by the head or under one of his armpits. Witness [redacted] said Suspect Pichinte had an opportunity to flee, but choose to charge at him and appeared to want to fight or wrestle.

Witness [redacted] fell backward onto the parking lot asphalt, landed on his back and struck the back of his head on the ground. Suspect Pichinte was on top of him and he held Suspect Pichinte close to his body. He heard Suspect Pichinte screaming, but he did not understand what he was saying.

He recalled Witness [redacted] attempted to grab the suspect around his lower torso while the suspect was on top of him. Witness [redacted] was on his left side. As Suspect Pichinte was on top of Witness [redacted] he swung wildly ten to fifteen times. He estimated Suspect Pichinte struck him four to six times in the vest and he remembered

the suspect grabbed at his shirt and tore his badge from his shirt. Witness [redacted] could not break free from Suspect Pichinte's grasp.

He heard sirens responding to the incident and he could hear Witness [redacted] repeatedly telling the suspect to stop.

Witness [redacted] believed Witness [redacted] was the first deputy to arrive. He could hear Witness [redacted] telling the suspect to stop fighting. Witness [redacted] told responding deputies that Suspect Pichinte would not stop. He heard deputies telling the suspect to put his hands behind his back. He could not see what the deputies were doing to remove Suspect Pichinte from being on top of him.

Witness [redacted] said at one point he felt Suspect Pichinte's body weight coming off of him and he was able to push his way out and he was possibly pulled out with the assistance of another deputy. Once Witness [redacted] stood up, he moved to the hood of a patrol car and was exhausted. He said someone told him that the suspect had been handcuffed. Witness [redacted] did not see what force other deputies used, but he did recall several deputies telling a sergeant that they had used force.

Witness [redacted] said he did not punch or kick the suspect during the incident. He did not recall seeing other people who may have witnessed the incident. Witness [redacted] did not think the suspect had attempted to grab his firearm during the incident. Witness [redacted] did not have an opportunity to use his OC spray or his baton during the incident. He did not have a Taser with him during the incident or his flashlight. He estimated his fight with Suspect Pichinte lasted approximately three to five minutes.

Witness [redacted] did not recall having any contact with either Suspect Pichinte or Witness [redacted] prior to this incident. During the incident, he smelled the odor of alcohol coming from Suspect Pichinte and Witness [redacted] when he spoke to her after the incident.

He recalled Witness [redacted] having something in her hands at the start of the incident. At some point during the incident she fled the scene and when she was located later, she did not have anything with her.

He saw Suspect Pichinte had abrasions to the right side of his face, as if his head had scraped against the parking lot surface. He did not see any other injuries to the suspect. He saw the suspect was hobbled at the conclusion of the incident, but he did not know who placed the hobble on the suspect. Paramedics responded to the incident and examined the suspect.

Witness [redacted] said his left hand and elbow were sore as well as the back of his

head. His left hand was bruised between his index and middle finger. Witness [redacted] knees and knuckles had abrasions. Both his left and right buttocks were bruised and his back was sore.

Witness [redacted] saw Witness [redacted] knees were red and her hair was messed up after the incident. He was unaware of any other deputy injuries.

Witness [redacted] reported his use of force to Sergeant Dodson, #[redacted] who responded to the incident.

DEPUTY [redacted] #[redacted]

*Witness [redacted] authored a Supplemental Report **[EXHIBIT B]** regarding her actions and observations.*

On July 18, 2011, Deputy [redacted] was interviewed by IAB Sergeants Dondra Cullins and Trent Denison at the Internal Affairs Bureau building. Witness [redacted] voluntarily participated in the interview without representation.

Witness [redacted] said she and Witness [redacted] were patrolling the rear parking lot of the Motel Six. She was the passenger and Witness [redacted] was driving. As they drove through the rear parking lot, they saw Suspect Pichinte and Witness [redacted] leaning against a railing on the opposing side, at the rear of the motel. Witness [redacted] estimated approximately fifteen to twenty feet separated them from Suspect Pichinte. Witness [redacted] asked the two how they were doing or what was going on. He also asked if the two had a room at the motel.

Suspect Pichinte answered that he did not have a room and he began to walk toward the patrol car in an aggressive manner with his chest pushed forward and his hands in his pockets. She and Witness [redacted] exited their patrol car and began to walk toward Suspect Pichinte. Witness [redacted] ordered him to remove his hands from his pockets. The suspect did not comply and Witness [redacted] again told Suspect Pichinte to take his hands out of his pockets.

Suspect Pichinte removed his hands from his pockets and thrust them aggressively in to the air. Witness [redacted] told Suspect Pichinte to turn around and place his hands behind his back. Suspect Pichinte complied. As Witness [redacted] began to grab Suspect Pichinte, he spun to the left. Witness [redacted] stood to the right and grabbed Suspect Pichinte's left arm as he spun around toward Witness [redacted]

Witness [redacted] placed Suspect Pichinte's left arm in a control hold and she wrapped her right arm around the suspect's chest and neck. Witness [redacted] attempted to control Suspect Pichinte's right arm. She and Witness [redacted] pushed Suspect

Pichinte against a nearby fence to control his movement. As the deputies held Suspect Pichinte against the fence the situation stalled. Suspect Pichinte resisted the deputies control techniques and Witness [redacted] and Witness [redacted] had difficulty overpowering him and could not handcuff the suspect.

Witness [redacted] right arm placement around the suspect's upper body kept him off balance. During the struggle, Witness [redacted] portable radio microphone had fallen. Witness [redacted] recovered his microphone and requested back-up. She believed Witness [redacted] must have loosened his hold of the suspect to accomplish using his radio. As Witness [redacted] used his radio, Suspect Pichinte spun to his left and all three fell to the ground.

Witness [redacted] fell to the ground on his back with Suspect Pichinte on top of him, with the two face to face. Witness [redacted] fell on top of the suspect's lower body. She was concerned that the suspect would attempt to grab Witness [redacted] firearm. She could see Witness [redacted] firearm remained in its holster and the suspect did not attempt to grab it. She heard sirens in the distance and knew assisting units were responding.

Witness [redacted] ordered the suspect to place his hands behind his back and he did not comply. She pulled her full sized Streamlight flashlight from her left sap pocket with her left hand and struck Suspect Pichinte eight to ten times in the lower back and legs to get him off of Witness [redacted] As Witness [redacted] struck the suspect with her flashlight, her right hand remained underneath the suspect's body.

Suspect Pichinte kicked his legs and Witness [redacted] was unsure if he contacted her as he kicked. Witness [redacted] attempted to position herself on the suspect's pelvic area to avoid being kicked in the face by the suspect. As assisting deputies arrived and began to assist in controlling Suspect Pichinte, Witness [redacted] saw the back of one deputy as he handcuffed the suspect's left wrist. She stopped striking the suspect with her flashlight when she saw the suspect being handcuffed. Witness [redacted] said her flashlight strikes did not appear to have an effect on Suspect Pichinte.

Witness [redacted] mistakenly handcuffed Witness [redacted] wrist to suspect's right wrist. She removed the handcuff from Witness [redacted] wrist and then placed the handcuff on Suspect Pichinte's right wrist.

Witness [redacted] believed the responding deputies were giving verbal commands to the suspect because they were yelling at him. She did not see any deputy punch or kick the suspect during the fight. OC spray was not an option, due to the close proximity of her partner. Witness [redacted] did not have a Taser and said she is not Taser trained.

Witness [redacted] estimated the fight lasted approximately three to four minutes. She

did not see the hobble placed on the suspect, but saw it on him after the incident. She saw the suspect had abrasions on his shoulders and she did not see any head injuries on the suspect. Witness [redacted] did not smell the odor of alcohol from the suspect, but said he was acting like someone who had been drinking.

Both of Witness [redacted] knees were bruised as well as her right arm, right shoulder and back. She saw one of Witness [redacted] elbows had an abrasion as well as his knees. Witness [redacted] was unaware if any other deputy was injured.

Witness Dobbins reported her use of force to Sergeant Steven Dodson, #[redacted] and Sergeant Debbie Gallego, #[redacted]

Witness [redacted] recalled after the incident, Witness [redacted] was not in the immediate area. She apparently fled during the incident. Deputy [redacted] Amy Ashford, #[redacted] responded to the incident and located Witness [redacted] so that Sergeant Steven Dodson could interview her.

She said paramedics were requested immediately after the incident for Suspect Pichinte.

WITNESS DEPUTY [redacted] #[redacted]

*Witness [redacted] authored a Supplemental Report **[EXHIBIT C]** regarding his actions and observations.*

On June 4, 2011, Deputy [redacted] was interviewed by IAB Sergeants Dondra Cullins and Trent Denison at Pico Rivera Station. Witness [redacted] voluntarily participated in the interview without representation. Witness [redacted] said he and his partner, Reserve Deputy [redacted] responded to a back up request at the Motel Six at Pioneer Boulevard and Waddell Street.

As the two responded to the back up request, Pico Rivera desk personnel advised them to respond Code-3. He drove his vehicle through the northwest entrance of the Motel Six parking lot. As they arrived Witness [redacted] saw Witness [redacted] Witness [redacted] and Suspect Pichinte falling to the ground. He saw Suspect Pichinte holding Witness [redacted] in bear-hug fashion and fall on top of Witness [redacted] Suspect Pichinte and Witness [redacted] were on the ground, face to face. Witness [redacted] exited his car and broadcast 10-33 traffic and advised deputies were involved in a fight.

Witness [redacted] approached and saw Witness [redacted] on the ground on his back. Witness [redacted] appeared to be grabbing Suspect Pichinte's legs. Witness [redacted] positioned himself on the left side of Suspect Pichinte. Witness [redacted] saw Suspect Pichinte's left arm was underneath Witness [redacted] He ordered Suspect Pichinte to

place his left hand behind his back. Suspect Pichinte refused to comply and it appeared Witness [redacted] was losing control of the suspect and unable to defend himself.

Witness [redacted] punched Suspect Pichinte twice on the left side of his face in an attempt to stun the suspect. Witness [redacted] again attempted to pull Suspect Pichinte's left arm behind his back, but he resisted by tensing his arm. Witness [redacted] again punched the suspect two to three times on the left side of his face. Suspect Pichinte did not react to the punches. Witness [redacted] believed he saw Witness [redacted] attempting to control Suspect Pichinte's right arm and he heard Witness [redacted] telling the suspect to stop resisting.

Witness [redacted] focused on controlling Suspect Pichinte's left arm and protecting his partner. Witness [redacted] heard the sound of sirens arriving and deputies running to the fight. He was eventually able to pull Suspect Pichinte's left arm behind his back. Witness [redacted] was unsure what deputy assisted in handcuffing Suspect Pichinte's right arm, but believed it was Witness [redacted]

Witness [redacted] said his handcuffs were used to handcuff Suspect Pichinte and that he placed a handcuff on the suspect's left wrist. During the incident, he heard Suspect Pichinte cursing and he smelled the faint odor of alcohol coming from him. Witness [redacted] was on his knees as he struggled with Suspect Pichinte and he did not kick the suspect. Suspect Pichinte's behavior was assaultive during the incident and Witness [redacted] could not tell if the suspect was attempting to gain control of Witness [redacted] gun.

He said OC spray was not an option, due to the close proximity of the other deputies. Witness [redacted] did not consider using an impact weapons such as his baton or flashlight because he was attempting to control the suspect's hands. Witness [redacted] said he did not see what force other Department personnel used because his focus was on the suspect's left arm.

Witness [redacted] said once Suspect Pichinte was handcuffed, he backed away from the scene, because he was winded from the incident. He did not see who placed the hobble on the suspect, but he saw Witness Sanchez holding the hobble attached to the suspect's legs. Witness [redacted] did not know how the suspect's ankle was injured and he did not see anyone standing on the suspect's ankles. He saw the suspect escorted to a patrol car, but did not recall who escorted the suspect.

Witness [redacted] estimated the fight lasted approximately three to four minutes. He did not see any blood on the suspect after the incident, but he did see Witness [redacted] glasses were damaged. Witness [redacted] could not tell if any of his partners were injured during the incident.

Witness [redacted] said most of the PM and early morning shifts responded to the incident. He was not injured during the incident.

WITNESS RESERVE DEPUTY [redacted]

Witness [redacted] *authored a Supplemental Report **[EXHIBIT D]** regarding his actions and observations.*

On June 4, 2011, Reserve Deputy [redacted] was interviewed by IAB Sergeants Dondra Cullins and Trent Denison at Pico Rivera Station. Witness [redacted] voluntarily participated in the interview without representation.

Witness [redacted] said he was working Unit 152D with Witness [redacted] at the time of the incident. They were at the Pico Rivera Sheriff Station writing a report when he heard Unit 152F early mornings request back-up. He and Witness [redacted] left the station and began to drive to the Motel Six at Pioneer Boulevard and Waddell Street.

As they responded to the request, the desk personnel upgraded the request to Code-3 response. Witness [redacted] drove the patrol car into the northwest corner of the motel parking lot and he saw a parked patrol car. As he and Witness [redacted] approached in their car, he saw Witness [redacted] and Witness [redacted] struggling with Suspect Pichinte on the ground. He did not recall seeing any other people at the time and was focused on the deputies struggling with the suspect.

Witness [redacted] was on his back on the ground with Suspect Pichinte on top of him. The suspect bear-hugged Witness [redacted] with both arms. He exited his patrol car and heard Witness [redacted] broadcasting 10-33 radio traffic and advising deputies were involved in a fight. Witness [redacted] ran to the right side of Suspect Pichinte to get him off of Witness [redacted]

Witness [redacted] attempted to pull Suspect Pichinte off of Witness [redacted] He said the suspect was very strong and Witness [redacted] was also attempting to get the suspect off of Witness [redacted] He said the suspect slurred his words, appeared agitated and smelled of alcohol. He heard the suspect telling the deputies to get off of him as they struggled to control and handcuff him. Witness [redacted] said he identified himself as a deputy sheriff, to stop fighting and for the suspect to place his hands behind his back. Witness [redacted] also heard other deputies telling the suspect to place his hands behind his back. The suspect did not comply.

Witness [redacted] focused on controlling the suspect's right arm and struggled for control for approximately thirty seconds before additional deputies arrived. As he pulled Suspect Pichinte's right arm, the suspect would pull back so that Witness [redacted] could

not gain control of it. Witness [redacted] did not know who was attempting to control Suspect Pichinte's left arm.

He was able to pull Suspect Pichinte's arm from underneath him and held it down so that the suspect could not grab any of the deputies firearms.

Witness [redacted] believed Witness [redacted] was able to get off the ground once the additional deputies arrived. He said the suspect kicked at a deputy who was behind him and he continued to kick after he was handcuffed. Witness [redacted] said the suspect was placed in the TARP position to restrain his legs.

> **IAB Note:** **Witness [redacted] was the only witness that used the term TARP. Later in Witness [redacted] IAB interview he used the term hobble and described Suspect Pichinte hobbled.**

Witness [redacted] did not punch or kick the suspect during the incident. He did not see any other deputy punch or kick the suspect, but it sounded like Witness [redacted] was punching the suspect in the face during the incident. Witness [redacted] could not see what Witness [redacted] was doing because she was behind him.

He did not have the opportunity to use OC spray because he was concerned of letting go of the suspect's arm and the suspect potentially grabbing a deputy's firearm. Witness [redacted] did not have a Taser and he did not consider using his flashlight because it was his understanding that a flashlight was not included in the Use of Force Options Chart, except under life threatening situations and he did not want to let go of the suspect's hand.

Witness [redacted] did not see when the suspect's ankles were hobbled, but he did see them hobbled. After the incident he saw Witness Sanchez holding the hobble attached to the suspect's legs. During the incident, Witness [redacted] heard other deputies mentioning that the suspect had been kicking and he could tell the suspect was kicking by the way the suspect was violently jerking his body.

After the incident, Witness [redacted] saw the suspect was handcuffed, hobbled and laying on the ground. He went to his patrol and did not see the paramedics treatment of the suspect. He reported his use of force to Sergeant Steven Dodson, # [redacted]

During the incident, Witness [redacted] received a small bruise to his left wrist and a small abrasion to his left elbow. Witness [redacted] eye glasses were broken during the incident. He saw the suspect had abrasions to the right side of his head, which he believed came from the suspect being held down on the ground.

Witness [redacted] did not see any deputy kick or stomp on the suspect during the incident.

WITNESS DETECTIVE JOSEPH C. SANCHEZ #[redacted]

Witness *Sanchez authored a Supplemental Report* ***[EXHIBIT E]*** *regarding his actions and observations.*

On July 19, 2011, IAB Sergeants Dondra Cullins and Sonja Bracken interviewed Witness Sanchez at the Internal Affairs Office building. Witness Sanchez voluntarily participated in the interview without representation. Witness Sanchez said on June 4, 2011, he was working Unit 815E on the Problem Specific Policing Team with his partner Witness Eduardo Lopez. He said his name was not listed on the station patrol in-service, but on the special teams in–service **[Exhibit L]**.

> **IAB Note: During Witness Sanchez' IAB interview he said Witness Eduardo Lopez was his partner and they responded to the incident in the same patrol car [Refer to page 22 of Witness Sanchez' IAB interview transcript]. Witness Eduardo Lopez stated in his IAB interview he responded to the incident with Witness Escalante [Refer to pages one and two of Witness Eduardo Lopez' IAB interview transcript].**

Witness Sanchez heard a back-up request via Sheriff's radio for deputies located at the Motel Six at 8221 Pioneer Boulevard.

As he responded to the back-up request he heard Witness [redacted] and Witness [redacted] arrived and advised deputies were involved in a fight. As he arrived, he saw deputies were involved in a fight with the suspect on the ground. He heard deputies telling the suspect to stop and for the suspect to give them his hands. The suspect did not comply.

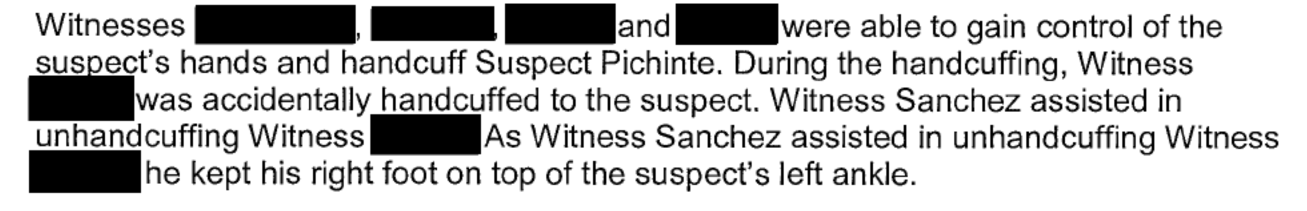
He saw Witness [redacted] and Witness [redacted] struggling to pull the suspect's right arm from underneath his body. The suspect was located face down on the ground. He saw Witness [redacted] struggling to control the suspect's left arm. Witness Sanchez saw Witness [redacted] attempted to control the suspect's legs and the suspect was kicking. The suspect's body was positioned so that he could kick with his left leg. He told the suspect to stop kicking.

He saw Witness [redacted] had her left arm hooked underneath the suspect and he could not see where her right arm was because she was laying over the suspect. Witness [redacted] body was in the area of the suspect's buttocks, with her head to the suspect's left side and her feet were to the suspect's right side. As he moved to control the

suspect's ankles, the suspect kicked Witness Sanchez in his right shin.

Witness Sanchez said he was a runner and had shin splints at the time, so it created pain up through his knee. The suspect almost struck Witness [redacted] in the head with a knee as he kicked his legs. Witness Sanchez kicked the suspect three to four times in the left ankle to get him to stop kicking. Witness Sanchez said his kicks appeared to be effective and the suspect stopped kicking.

Witness Sanchez placed his right foot on the suspect's left ankle to prevent any further kicks. He placed the majority of his body weight on the suspect's ankle to prevent him from kicking. Witness Sanchez estimated his weight at 225 pounds.



Witnesses [redacted], [redacted], [redacted] and [redacted] were able to gain control of the suspect's hands and handcuff Suspect Pichinte. During the handcuffing, Witness [redacted] was accidentally handcuffed to the suspect. Witness Sanchez assisted in unhandcuffing Witness [redacted] As Witness Sanchez assisted in unhandcuffing Witness [redacted] he kept his right foot on top of the suspect's left ankle.

IAB Note: **Witness Sanchez recalled Witness [redacted] assisted in handcuffing Suspect Pichinte [Refer to pages three, six and seven of his IAB interview transcript]. Witness [redacted] stated he became free from Suspect Pichinte's grasp and removed himself from the incident. He was later informed by an unknown deputy that the suspect had been handcuffed [Refer to pages 14 and 18 of Witness [redacted] IAB interview transcript].**

He told Suspect Pichinte he was going to remove his foot from his ankle and not to kick him, so that he could place the hobble on the suspect's ankles. The suspect acknowledged what Witness Sanchez told him and did not kick once he removed his foot. Witness Sanchez was handed a hobble and placed it on Suspect Pichinte's ankles to prevent the suspect from kicking at the deputies.

Suspect Pichinte remained on the ground until paramedics arrived. He estimated paramedics arrived five to ten minutes after the Suspect Pichinte was handcuffed.

Suspect Pichinte was assisted off the ground. The hobble was loosened and raised so that he could walk to the patrol car. Witness Sanchez held the hobble as Suspect Pichinte walked a distance of approximately forty to fifty feet. Suspect Pichinte did not complain about any ankle pain until he had walked to the patrol car he was to be transported in.

Witness Sanchez did not see any deputy punch, kick or strike the suspect with a flashlight. He did not use OC spray on the suspect because it possibly would have impacted the other deputies. He did not have a Taser or a baton on his belt. Witness Sanchez had a flashlight in his back pocket, but would only use it as a last resort.

Witness Sanchez estimated the fight with Suspect Pichinte lasted approximately forty-five seconds to a minute from the time he arrived until the suspect was handcuffed. Witness Sanchez was not injured during the incident.

Witness Sanchez reported his use of force to Sergeant Steve Dodson, [redacted] immediately after the incident.

WITNESS DETECTIVE EDUARDO LOPEZ #[redacted]

Witness Detective Lopez did not author a Supplemental Report regarding his actions and observations.

On August 16, 2011, IAB Sergeants Dondra Cullins and Sonja Bracken interviewed Witness Eduardo Lopez at the IAB office building. Witness Eduardo Lopez voluntarily participated in the interview without representation. Witness Eduardo Lopez said he and his partner, Witness Sanchez, were assigned to Unit 815E. They drove to the 7-11 located at Passons Boulevard and Slauson Avenue [redacted] at approximately 0030 hours. While at the 7-11, another unit arrived with Witness Escalante and Witness [redacted]. He said Witness [redacted] and Witness Sanchez went inside the 7-11 and he spoke with Witness Escalante outside.

As they spoke he heard a deputy needed assistance and was involved in a fight at the Motel Six. Witness Eduardo Lopez entered Witness Escalante's car and they responded to the incident. Witness Escalante drove and Witness Eduardo Lopez was the passenger.

As they were at the intersection of Pioneer Boulevard and Slauson Avenue, they held the intersection for responding units. Witness Escalante stopped with overhead lights and siren activated, so units responding to the assistance request would not have to stop for traffic. Once all the responding units had passed through the intersection, they continued to respond to the Motel Six.

As they approached the Motel Six, Witness Eduardo Lopez noticed other responding units entered the north end of the parking lot. He told Witness Escalante to enter the parking lot from the south entrance. As they arrived, he saw several deputies struggling with the suspect and it appeared they were holding him down and handcuffing him.

He approached the deputies struggling with the suspect and it appeared the suspect was face down and continued to struggle with the deputies by attempting to push his body off the ground. He heard the deputies struggling with the suspect telling him to stop resisting. Witness Eduardo Lopez believed he heard the suspect yelling profanities at Witness [redacted]

Witness Eduardo Lopez heard one deputy stating that his hand had been accidentally handcuffed. He saw Witness [redacted] and Witness [redacted] standing away from the suspect and they appeared shaken from whatever had just occurred with the suspect.

Witness Eduardo Lopez approached the suspect once he was handcuffed and hobbled. He saw the suspect was handcuffed behind his back and was wearing a spit mask. He had not seen the suspect spit nor did he see who placed the mask on the suspect. He asked the suspect if he was alright. The suspect asked him to remove the spit mask.

Witness Eduardo Lopez asked Suspect Pichinte if he wanted paramedics and he replied, "No". He assisted the suspect to stand by grabbing one of the suspect's arms with his right hand and assisted him to stand. Witness Eduardo Lopez could not recall if another deputy assisted him to lift the suspect off the ground. He repositioned the hobble closer to Suspect Pichinte's knees so that he could walk and he removed the spit mask. He escorted the suspect to a patrol car so that he could be taken to the hospital. He could not recall if a deputy held on to the hobble as Suspect Pichinte walked, or if it was dragging behind him.

He believed a supervisor was present at the scene by the time he escorted Suspect Pichinte to a patrol car. Witness Eduardo Lopez did not recall reporting his observations to a supervisor. He may have been asked by a supervisor if he used force during the incident.

WITNESS DEPUTY [redacted] #[redacted]

Witness *Deputy* [redacted] *did not author a Supplemental Report regarding his actions and observations.*

On August 19, 2011, IAB Sergeant Dondra Cullins interviewed Witness [redacted] at Pico Rivera Station. Witness [redacted] voluntarily participated in the interview without representation. He explained on June 4 ,2011, he was working overtime and assigned to work with Witness Escalante. He and Witness Escalante drove to a 7-11 located at Passons Boulevard and Slauson Avenue to [redacted]. While at the 7-11, Witness [redacted] heard a back-up request via Sheriff's radio, which was upgraded to an assistance request.

He entered a patrol car with Witness Sanchez and responded to the incident. Witness

[redacted] was the passenger and Witness Sanchez drove. The two responded to the west side of the motel near the pool and entered the parking lot from Waddell Street.

Witness [redacted] said he and Witness Sanchez exited the car. He did not know where Witness Sanchez went. He saw there were several deputies on scene attempting to handcuff the suspect. He could not tell if the suspect was handcuffed or not. He could not see if the suspect was face down or on his back.

He could not tell if the suspect was saying anything or if the deputies were giving verbal commands to the suspect. He could not identify any of the deputies involved in the incident because there was multiple deputies on the suspect. Witness [redacted] said there was not much he could do, so he directed his attention to motel guests that were watching the incident and were too close. He directed the motel guests to step back. He walked down the west end hallway to make sure no civilians interfered with the incident.

Witness [redacted] said a sergeant was at the incident, but he could not recall who it was. He estimated he was at the scene for approximately ten minutes. At the conclusion of the incident, Witness [redacted] believed he left with Witness Escalante.

WITNESS DEPUTY LIGIA C. ESCALANTE #[redacted]

Witness Escalante did not author a Supplemental Report regarding her actions and observations.

On August 19, 2011, IAB Sergeant Dondra Cullins interviewed Witness Ligia Escalante at Pico Rivera Station. Witness Ligia Escalante voluntarily participated in the interview without representation. She explained on June 4, 2011, she was working Unit 151K3 on the early morning shift without a partner.

> **IAB Note: A copy of the Deputy Daily Worksheet [Exhibit G] shows Witness Escalante was assigned to work Unit 155B on June 3, 2011, from 1800-0400 hours with Witness Christopher Lopez.**

Witness Escalante drove to a 7-11. While she was at the 7-11, she heard a back-up request as she spoke with Witness Eduardo Lopez. Witness Lopez' partner was inside the 7-11, so he entered her patrol car and the two of them responded to the incident.

Witness Escalante drove and Witness Eduardo Lopez was the passenger in her car. Upon arriving at the motel near the swimming pool, Witness Escalante exited her car

and saw deputies surrounding a man on the ground who appeared to be laying face down. She could not recall if the suspect was handcuffed or hobbled. Witness Escalante did not know where Witness Eduardo Lopez went once he exited the car.

As she approached, an unidentified sergeant was turning deputies away because the incident was over and to go back in service. Witness Escalante left the incident and Witness Eduardo Lopez remained at the scene.

WITNESS [redacted]

Interview of Witness [redacted] by Field Sergeant Steven W. Dodson #[redacted]

On June 4, 2011, at 0052 hours, Field Sergeant Steven Dodson interviewed [redacted] after the use of force incident. The interview was digitally audio recorded. Witness [redacted] said Suspect Pichinte was a [redacted] Witness [redacted] walked from the front of the Motel Six to the rear and saw Suspect Pichinte being handcuffed near the pool area.

Suspect Pichinte was standing when he was handcuffed and it appeared he was arguing with the deputies. Witness [redacted] stood approximately ten feet away from Suspect Pichinte as he was handcuffed by the deputies. Witness [redacted] did not pay attention to what Suspect Pichinte was saying at the time he was being handcuffed. She and Suspect Pichinte had previously been at a local bar and had been drinking alcoholic drinks. She and Suspect Pichinte had drank a few drinks prior to the incident.

Interview of Witness [redacted] by Pico Rivera Detective Jeffery D. Grant #[redacted]

On June 15, 2011, Detective Grant conducted a telephone interview with Witness [redacted] The interview was not recorded. Detective Grant wrote a Supplemental Report **[Exhibit F]** regarding his interview with Witness [redacted] Witness [redacted] said she had driven to the Motel Six to meet with Suspect Pichinte. As Witness [redacted] contacted Suspect Pichinte, deputies arrived and began to ask Suspect Pichinte for his name. Witness [redacted] believed Suspect Pichinte provided his name to the deputies. She heard Suspect Pichinte ask, "What did I do wrong? I didn't do anything".

Suspect Pichinte was placed against a fence and she saw Suspect Pichinte push back from the fence and turn toward the deputies. Witness [redacted] said a deputy told her to leave the area. Witness [redacted] turned away and began to walk to the motel office. She turned back and saw Suspect Pichinte on the ground, handcuffed. She did not see what transpired between Suspect Pichinte and the deputies during the time she turned away and walked to the motel office. She did not see Suspect Pichinte attempt to hit or hit the deputies.

SUSPECT MICHAEL K. PICHINTE

IAB Interview

On July 4, 2011, IAB Sergeants Dondra Cullins and Trent Denison interviewed Suspect Michael Pichinte at Pico Rivera Station. Suspect Pichinte said he and Witness [redacted] were in the process of renting a room because they had drank a little too much alcohol. Suspect Pichinte had drank three beers and a shot of 1800 Tequila approximately two hours before the incident. Witness [redacted] was contacted by a deputy in the front parking lot. Suspect Pichinte approached Witness [redacted] and heard the deputies asking her questions.

The deputies asked Suspect Pichinte for his name. Suspect Pichinte told the deputies he was a friend of Witness [redacted] and his name was [redacted]. Witness [redacted] was allowed to leave with him. Suspect Pichinte and Witness [redacted] were contacted again by the same deputies at the rear of the motel near the swimming pool. The male Hispanic deputy began to ask Suspect Pichinte questions as he was seated in his patrol car. The male deputy had a female Caucasian partner. Suspect Pichinte began to question the deputy what had he done.

Both deputies exited the patrol car and the male deputy appeared upset. He said it appeared the male deputy did not like his tone. The male deputy told him to stand still and to spread his legs as the female deputy stood by. Suspect Pichinte said the male deputy held his hands and forced him to spread his legs on a grass area approximately ten feet away from the patrol car.

Suspect Pichinte said he became perturbed because the male deputy was physically aggressive with him when he placed Suspect Pichinte's left arm behind his back. Suspect Pichinte said he spun around, grabbed the male deputy with both hands in a bear-hug and they fell to the ground. When he bear-hugged the deputy, Suspect Pichinte was face to face with the deputy. Suspect Pichinte fell on top of the male deputy. He said he did not attempt to punch the deputy and it was not his intention to hurt the deputy.

Suspect Pichinte said the female deputy began to choke him from behind. He felt like he was going in and out of consciousness and he was not resisting. The deputies told him to stop several times and he complied. Suspect Pichinte could not speak because the female deputy was choking him and he could not breathe. He did not kick at the deputies during the struggle.

Suspect Pichinte said more deputies responded quickly and he was kicked in the back of the head, ribs and his ankle. Suspect Pichinte became positioned so that he was

face down toward the cement. He could not recall how he went from being on top of the deputy to be being positioned face down on the parking lot surface. He believed Witness [redacted] saw the initial contact by the deputies and when he bear-hugged the deputy. He could not tell where Witness [redacted] was when he was face down on the cement. Suspect Pichinte did not see any other people who may have witnessed the incident, other than Witness [redacted]

Suspect Pichinte was injured during the incident and received a broken ankle, lacerations to his forehead and a lump to the back of his head. Suspect Pichinte said he was kicked multiple times over a period of three to four minutes and it felt like he was being jumped into a gang. He was face down when he was kicked and he felt one boot strike the back of his head. Suspect Pichinte said his ankle was injured when someone stomped on his ankle and then held placed their foot on his ankle.

Suspect Pichinte said he was punched three to four times on the right side of his face in the area of his cheek by a male deputy. Suspect Pichinte recalled one female deputy at the incident. He estimated approximately ten deputies responded to the incident. Suspect Pichinte was handcuffed and his legs were tied around his ankles. He did not recall his ankles being tied to his handcuffed and said a deputy held on to the strap. He was assisted off the ground by the deputies.

Paramedics responded to the scene and examined him. He did not refuse treatment from the paramedics. Suspect Pichinte eventually was walked to a patrol car and taken to the hospital. He walked into the hospital and did not realize that his ankle was broken until he was at the hospital.

Suspect Pichinte said he had not used any drugs prior to the incident, but did take Prozac at eleven o'clock in the morning to stabilize his mood. He said he has been diagnosed with A.D.D.

Pico Rivera Detective Jeff D. Grant #[redacted] Interview

On June 8, 2011, Detective Jeff Grant interviewed Suspect Pichinte at Pico Rivera Station. Suspect Pichinte had been released on bond and agreed to be interviewed at Pico Station. The interview was not recorded and Detective Grant wrote a Supplemental Report **[Exhibit F]** related to the interview.

Suspect Pichinte said on June 4, 2011, he had gone to the Motel Six to get a room for himself and his [redacted] Witness [redacted] Some deputies drove up to him at the motel and told him to stop. The deputies asked him his name, but he did not feel like giving them his name since he had done nothing wrong.

He asked the deputies if he had done something wrong. The deputies exited their car and told him to spread his legs and he complied. He said a deputy shoved him into a fence for no reason and he told them "I didn't do shit!". He said the deputy twisted his arm and he became scared, broke free from the deputy, spun around and grabbed the deputy's shirt.

The deputy attempted to take him down and he resisted and attempted to pull free. The deputy reached for his "Mace", and he told the deputy "Don't do that!". The suspect decided to comply and go to the ground. He claimed the deputies jumped on top of him and he hit his head on the ground. The deputies eventually handcuffed him and the incident ended.

Suspect Pichinte said he had drank three beers and two shots of tequila prior to the incident, but he was not drunk. He did not approach the deputies aggressively with his hands in his pockets. He also said he did not charge at the deputies with his head lowered. Suspect Pichinte said he did not swing his fists at the deputies, striking one of the deputies in the torso. He also denied tearing a deputy's badge from his shirt during the incident.